

13222.00016



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MICHAEL STUMM, ET AL.) : Examiner: Unassigned
Application No.: 09/722,500) : Group Art Unit: 2642
Filed: November 28, 2000) :
For: TELECOMMUNICATION) : July 30, 2001
ARCHITECTURE) :

RECEIVED

AUG 02 2001

Commissioner for Patents
Washington, D.C. 20231

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

ATTENTION: Office of Petitions

PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

Applicants Michael Stumm, William M. Snelgrove, Bruno R. Preisa, and Mark J. Frazer respectfully petition the Commissioner to accept the above-identified patent application on behalf of themselves and one other joint inventor (Mr. Mauricio De Simone) who has refused to join in the application.

07/31/2001 SLUANG1 00000004 501710 09722500

03 FC:105 130.00 CH

FACTS

1. The subject application was filed in the U.S.

Patent and Trademark Office ("PTO") on November 28, 2000, without

a signed Declaration. On March 29, 2001, the PTO mailed to the undersigned a Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted, requiring a Declaration signed by all of the named inventors. However, one of the joint inventors, Mr. Mauricio De Simone was non-responsive to requests by the Assignee, Soma Networks, Inc. that he sign the Declaration.

2. On June 29, 2001, the undersigned sent to Mr. De Simone's last known address, via Federal Express Courier, a letter enclosing a complete copy of the patent application (including specification, claims, and drawings) together with the Declaration/Power of Attorney form. The letter requested Mr. De Simone to review the entire application, and then read, sign, and date the attached Declaration. A copy of that letter is attached. See also the attached Declaration of Richard P. Bauer.

3. Applicants believe that Mr. De Simone's last known mailing address is:

Mr. Mauricio De Simone
10 Queens Quay West
Toronto, Ontario
CANADA M5J 2R9

4. However, Mr. De Simone has not responded to the June 29, 2001 letter. See the attached Declaration of Richard P. Bauer.

5. Accordingly, it is evident that joint inventor Mr. Mauricio De Simone has refused to join in the application.

6. Applicants are filing concurrently herewith:
a Response to Notice to File Missing Parts;
a Declaration and Power of Attorney, signed by
all joint inventors, except Mr. Mauricio De Simone;
a copy of the PTO Notice re Missing Parts;
a Petition for Extension of Time for two months,
with fee; and
the required filing fee and surcharge fee.

RELIEF REQUESTED

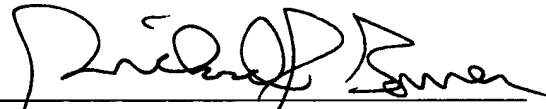
Since it is evident that joint inventor Mr. Mauricio De Simone has refused to join in the application, Applicants Michael Stumm, William M. Snelgrove, Bruno R. Preisa, and Mark J. Frazer petition the Commissioner to accept the subject application under the provisions of 37 C.F.R. § 1.47(a).

FEE

The Commissioner is hereby authorized to charge Deposit Account No. 50-1710 for the \$130.00 petition fee and any deficiency in this fee.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants
Richard P. Bauer
Registration No. 31,588

Patent Administrator
KATTEN MUCHIN ZAVIS
525 West Monroe Street
Suite 1600
Chicago, Illinois 60661-3693
Facsimile: (312) 902-1061

Chicago
Los Angeles
New York
Washington, DC

1025 Thomas Jefferson St. N.W. Writer's Direct Numbers
East Lobby, Suite 700 (202) 625-3507
Washington, DC 20007-5201
Tel 202 625 3500 RBauer@kmz.com
Fax 202 298 7570
www.kmz.com



June 29, 2001

VIA FEDERAL EXPRESS

Mr. Mauricio De Simone
10 Queens Quay West
Toronto, Ontario
CANADA M5J 2R9

Re: U.S. Patent Appln No. 09/722,500
For: TELECOMMUNICATION ARCHITECTURE
Our Ref.: 13222.00016

Dear Mr. De Simone:

I am a U.S. patent attorney in charge of prosecuting the above-referenced U.S. patent application before the U.S. Patent and Trademark Office on behalf of SOMA Networks, Inc. of Toronto, Ontario, Canada. You are named as one of the joint inventors of this patent application.

Enclosed is a complete copy of the patent application, including a specification, claims, and drawings. Please carefully review the entire application.

Also enclosed is a Declaration/Power of Attorney form which we ask you to read, sign, date, and return to me at your earliest convenience. An Assignment is also enclosed, and we ask you to read, sign, date, and return that document to me as well. Please also correct your residence address on the forms, if necessary.

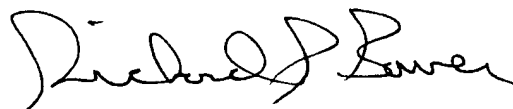
I have enclosed a pre-paid return Federal Express envelope so that you can return the signed documents to me. If you choose not to sign the Declaration, please indicate such in the space below my signature and return this letter to me in the enclosed

Mr. Mauricio De Simone
June 29, 2001
Page 2

Federal Express envelope. If we do not receive a response from you by July 28, 2001, we will take this as a refusal on your part to execute the Declaration. In such a case, we will proceed to prosecute the above-referenced patent application under the provisions of 37 C.F.R. § 1.47 "Filing when an inventor refuses to sign or cannot be reached."

Please do not hesitate to call me at (202) 625-3507 if you have any questions regarding this matter.

Sincerely,



Richard P. Bauer

RPB:wpj
Enclosures: U.S. patent application
Declaration/Power of Attorney
Assignment

cc: T. Andrew Currier

I refuse to sign the Declaration/Power of Attorney.

Name

Date

13222.00016



DAC \$\$\$ #9

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MICHAEL STUMM, ET AL.

Application No.: 09/722,500

Filed: November 28, 2000

For: TELECOMMUNICATION
ARCHITECTURE

)
: Examiner: Unassigned
)
: Group Art Unit: 2642
)
:
)
: July 30, 2001
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RECEIVED

AUG 02 2001

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

ATTENTION: APPLICATION BRANCH, SPECIAL HANDLING UNIT

RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION - FILED UNDER 37 C.F.R. § 1.53(b)
AND PETITION FOR EXTENSION OF TIME

Sir:

Applicants petition the Commissioner to extend the
time for response to the NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION - FILED UNDER 37 C.F.R. § 1.53(b)
dated March 29, 2001 from May 29, 2001 to July 30, 2001 (July 29,
2001 being a Sunday).

07/31/2001 SLUANG1 00000004 501710 09722500

02 FC:116 390.00 CH

In response to the NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION - FILED UNDER 37 C.F.R. § 1.53(b)
mailed March 29, 2001, enclosed please find an executed
Declaration/Power of Attorney form, along with a Petition Under
37 C.F.R. § 1.47(a), a Declaration of Richard P. Bauer in Support
of Petition Under 37 C.F.R. § 1.47(a), and a Revocation and New
Power of Attorney. Also enclosed is a copy of the NOTICE TO FILE
MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 C.F.R.
§ 1.53(b) - FILING DATE GRANTED.

The Commissioner is authorized to charge Deposit
Account No. 50-1710 for the \$390.00 extension fee, the \$130.00
petition fee, and the \$130.00 surcharge fee. The Commissioner is
also authorized to charge any additional fees due with respect to
this filing to Deposit Account No. 50-1710. A duplicate of this
paper is attached for that purpose.

Applicants' undersigned attorney may be reached in
our Washington, D.C. office by telephone at (202) 625-3500. All

correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard P. Bauer", is written over a horizontal line.

Attorney for Applicants

Richard P. Bauer

Registration No. 31,588

PATENT ADMINISTRATOR
KATTEN MUCHIN ZAVIS
525 West Monroe Street
Suite 1600
Chicago, Illinois 60661-3693
Facsimile No.: (312) 902-1061



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/722,500	11/28/2000	Michael Stumm	2664.16

CONFIRMATION NO. 5562

05514

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

FORMALITIES LETTER



OC000000005917358

Date Mailed: 03/29/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

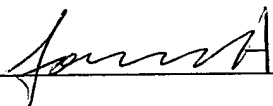
FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The oath or declaration is missing.
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- o **The balance due by applicant is \$ 130.**

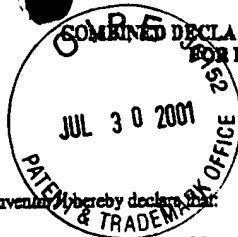
*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/31/2001 SLUANG1 00000004 501710 09722500

01 FC:122 130.00 CH



COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
(Page 1)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Telecommunication Architecture

☒ the specification of which is attached hereto

☐ was filed on _____ as United States Application No. or PCT International Application No. _____
(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b), of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

Country	Application No.	Filed (Day/Mo/Yr.)	(Yes/No) Priority Claimed
Canada		19/10/00	Yes

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Filed (Day/Mo/Yr.)	Status (Patented, Pending, Abandoned)
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I hereby appoint the practitioners associated with the firm and Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to the address associated with that Customer Number:

FITZPATRICK, CELLA, HARPER & SCINTO
Customer Number: 05514

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor: Michael Sturum
Inventor's signature: [Signature]
Date: 12/3/01 Citizen/Subject of: Canada
Residence: 3 Belvale Avenue, Toronto, Ontario, Canada M8X 2A6
Post Office Address: same as above

Full Name of Sole or First Inventor: William Andrew Snelgrove
Inventor's signature: [Signature]
Date: 2001/11/08 Citizen/Subject of: Canada

COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
(Page 2)

Residence 603-90 Sherbourne Street, Toronto, Ontario, Canada, M5A 2R1

Post Office Address same as above

Full Name of Sole or First Inventor Bruno Richard Preiss

Inventor's signature 

Date 2000-11-27

Citizen/Subject of Canada

Residence 335 Calvinton Place, Waterloo, Ontario, Canada, N2T 1R1

Post Office Address same as above

Full Name of Sole or First Inventor Mari James Preiss

Inventor's signature 

Date Nov 27, 2000

Citizen/Subject of Canada

Residence 1001 Bay Street, #204, Toronto, Ontario, Canada, M4S 3A6

Post Office Address same as above

Full Name of Sole or First Inventor Mauricio De Simone

Inventor's signature _____

Date _____

Citizen/Subject of Canada

Residence 702-10 Queens Quay West, Toronto, Ontario, Canada, M5H 2R9

Post Office Address same as above



PATENT APPLICATION

In re Application of:)
: Examiner: NYA
MICHAEL STUMM, ET AL.)
: Group Art Unit: NYA
Application No.: 09/722,500)
:
Filed: November 29, 2000)
:
For: TELECOMMUNICATION)
ARCHITECTURE)
:
)

REVOCATION AND NEW POWER OF ATTORNEY

As assignee of record of the entire interest of the above-identified patent application, all powers of attorney previously given are hereby revoked and the attorneys associated with the firm and Customer Number provided below are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith, and it is directed that all correspondence be addressed to the address associated with that Customer Number:

Doc # : DC01 (13222-00038) 4102065v1; 7/16/2001/Time:13:57

ASSIGNEE CERTIFICATE UNDER 37 C.F.R. 3.73(b)

SOMA Networks, Inc., (formerly Wireless Systems Technologies, Inc.) a corporation duly organized under the laws of California, and having its principal place of business at Suite 2000, Wharfside Bldg., China Basin Landing, 185 Berry Street, San Francisco, CA 94107 United States of America, hereby certifies that it is the owner of all right, title, and interest in the above-identified application, by virtue of a Chain of Title from inventors Michael Stumm, et al., of the above-identified application to the current assignee as follows:

- a. From: Michael Stumm, et al.; To: Wireless Systems Technologies, Inc.
(Copy attached hereto)
- b. From: Mauricio deSimone to Wireless Systems Technologies, Inc.
(Copy attached hereto)
- c. From: Wireless Systems Technologies, Inc.; To: SOMA Networks, Inc.
(Copy attached hereto).

I am empowered to sign this certificate on behalf of the assignee, SOMA Networks, Inc.

Date: July 30, 2001

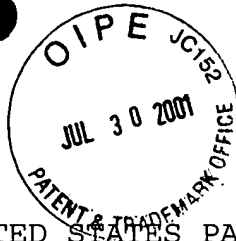
Name: Douglas R. Kneebone

Title: Vice President

Signature: 

KATTEN MUCHIN ZAVIS
PATENT ADMINISTRATOR
525 West Monroe Street
Suite 1600
Chicago, Illinois 60661-3693
Telephone: (312) 902-5200
Facsimile: (312) 902-1061

13222.00016



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MICHAEL STUMM, ET AL.) : Examiner: Unassigned
Application No.: 09/722,500) : Group Art Unit: 2642
Filed: November 28, 2000) :
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ARCHITECTURE) :

Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Office of Petitions

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OFFICE OF PETITIONS
DEPUTY A/C PATENTS

**DECLARATION OF RICHARD P. BAUER IN SUPPORT
OF PETITION UNDER 37 C.F.R. § 1.47(a)**

Sir:

I, RICHARD P. BAUER, hereby declare and state that:

1. I am a partner at Katten Muchin Zavis, and I am
the person principally in charge of prosecuting the subject
application.

2. On November 28, 2000, I filed the subject patent application in the U.S. Patent and Trademark Office ("PTO"), without a signed Declaration.

3. I received the PTO's March 29, 2001 Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted, and forwarded it to the Assignee, Soma Networks, Inc. together with a request that the joint inventors properly execute a Declaration/Power of Attorney form, and return it to me for prompt filing in the PTO.

4. On or about June 11, 2000, the Assignee advised me that Mr. De Simone was non-responsive to the Assignee's request that Mr. De Simone sign the Declaration.

5. On June 29, 2001, I sent to Mr. De Simone's last known address, via Federal Express Courier, a letter enclosing a complete copy of the patent application (including specification, claims, and drawings) together with the Declaration/Power of Attorney form. The letter requested Mr. De Simone to review the entire application, and then read, sign, and date the attached Declaration. A copy of that letter is attached.

6. I sent the above-referenced June 29, 2001 letter
to:

Mr. Mauricio De Simone
10 Queens Quay West
Toronto, Ontario
CANADA M5J 2R9

7. However, Mr. De Simone has not responded to my
June 29, 2001 letter.

8. Accordingly, after diligent effort on my part, I
conclude that joint inventor Mr. Mauricio De Simone has refused
to join in the application.

I hereby declare that all statements made herein of
my own knowledge are true and that all statements made on
information and belief are believed to be true; and further that
the statements were made with the knowledge that willful false
statements and the like so made are punishable by fine or
imprisonment, or both, under Section 1001 of Title 18 of the
United States Code, and that such willful false statements may

jeopardize the validity of the subject application or any patent
issuing thereon.

A handwritten signature in black ink, appearing to read "Richard P. Bauer", written over a horizontal line.

Richard P. Bauer

Registration No. 31,588



Chicago
Los Angeles
New York
Washington, DC

1025 Thomas Jefferson St. N.W. Writer's Direct Numbers
East Lobby, Suite 700 (202) 625-3507
Washington, DC 20007-5201
Tel 202 625 3500
Fax 202 298 7570
www.kmz.com
RBauer@kmz.com

June 29, 2001

VIA FEDERAL EXPRESS

Mr. Mauricio De Simone
10 Queens Quay West
Toronto, Ontario
CANADA M5J 2R9

Re: U.S. Patent Appln No. 09/722,500
For: TELECOMMUNICATION ARCHITECTURE
Our Ref.: 13222.00016

Dear Mr. De Simone:

I am a U.S. patent attorney in charge of prosecuting the above-referenced U.S. patent application before the U.S. Patent and Trademark Office on behalf of SOMA Networks, Inc. of Toronto, Ontario, Canada. You are named as one of the joint inventors of this patent application.

Enclosed is a complete copy of the patent application, including a specification, claims, and drawings. Please carefully review the entire application.

Also enclosed is a Declaration/Power of Attorney form which we ask you to read, sign, date, and return to me at your earliest convenience. An Assignment is also enclosed, and we ask you to read, sign, date, and return that document to me as well. Please also correct your residence address on the forms, if necessary.

I have enclosed a pre-paid return Federal Express envelope so that you can return the signed documents to me. If you choose not to sign the Declaration, please indicate such in the space below my signature and return this letter to me in the enclosed

Mr. Mauricio De Simone

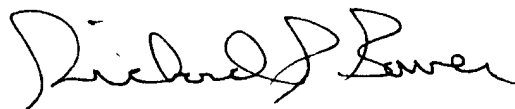
June 29, 2001

Page 2

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Please do not hesitate to call me at (202) 625-3507 if you have any questions regarding this matter.

Sincerely,



Richard P. Bauer

RPB:wpj

Enclosures: U.S. patent application
Declaration/Power of Attorney
Assignment

cc: T. Andrew Currier

I refuse to sign the Declaration/Power of Attorney.

Name

Date